

# THE IRAN NOTES

The Iran Notes is a series of short thematic briefing notes produced by FIDH and LDDHI to analyze the key aspects and root causes of Iran's ongoing human rights crisis.  
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جامعه دفاع از حقوق بشر در ایران  
(عفو درآسیون بین المللی جامعه های حقوق بشر)  
League for the Defence of Human Rights in Iran



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## CIVIL SOCIETY UNDER ATTACK

Independent civil society in Iran operates in a hostile environment characterized by severe legal restrictions and criminalization of activists and human rights defenders, including the arbitrary arrest and imprisonment of lawyers and journalists.

Independent human rights organizations concerned with civil, political, ethnic cultural rights, and women's rights are virtually non-existent in Iran. Many have been forced to operate from abroad. LDDHI's founders faced judicial and extrajudicial pressure as a result of their human rights activities and had to leave Iran in early 1980s. Human rights groups that once operated in Iran, such as the Defenders of Human Rights Center (DHRC) of the 2003 Nobel Peace Prize laureate Shirin Ebadi, faced severe restrictions, and its key members have been prosecuted and served prison terms.

The case of the "Independent Student-Popular Imam Ali Relief Association," generally known as the Imam Ali Association (IAA), illustrates the type of repression that civil society organizations can face in Iran. IAA was established in 1999 and developed an extensive nationwide charity operation network with over 10,000 volunteer members to help the poor and those in vulnerable situations, in particular women and children, and was also involved in efforts to have death sentences imposed on minors commuted. In June 2020, IAA founder Shârmîn Maymandinejad and two of its senior members were detained upon a complaint by the Islamic Revolution Guards Corps (IRGC) and were charged with "insulting the founder of the Islamic Republic and the Supreme Leader" and "acting against national security." In October 2020, Mr. Maymandinejad was released after 129 days in incommunicado detention, and later left Iran. In March 2021, a court ruled in favor of the Interior Ministry's application for the dissolution of IAA. In May 2021, a court of appeals upheld that ruling.

## Legislative framework restricts non-governmental organizations (NGOs)

Article 26 of the Constitution, which provides the framework for the establishment and operation of all associations, allows the establishment of societies, trade associations, and Islamic or recognized minority religious associations. However, the existence and operations of these groups is conditional on their respect of “the principles of independence, freedom, national unity, Islamic tenets, and the foundations of the Islamic Republic.”

To date, Iran has no legislation governing the operations of civil society organizations. The 2016 Law for Operation Procedure of Political Parties and Groups is principally concerned with parties and does not concern NGOs, with the exception of providing for the licensing and overseeing of societies of religious minorities (Zoroastrianism, Christianity, and Judaism) recognized under Article 13 of the Constitution.

In the absence of legislation governing the establishment and operations of civil society organizations, the NGOs Rules of Procedure, which were passed by the Council of Ministers in 2016, are currently the only regulations pertaining to NGOs. NGOs must be registered with the State Organization for Registration of Deeds and Properties after being issued a license by a national council (see paragraph below). Their statutes should specify their aims and tasks and financial resources. The Rules of Procedure do not specify what activities NGOs cannot carry out. They stress that NGOs must be non-profit and non-political, and clarify their goals and type of activities in their statutes. International NGOs must be vetted by a working group composed of the deputy interior minister and representatives of the ministries of foreign affairs and intelligence and, depending on the NGOs’ field of work, the specific governmental bodies concerned.

Councils at the city, provincial, and national levels are responsible for the oversight of the operations of NGOs. These councils have the power to take action if they find the operation of organizations are inconsistent with their statutes. In such cases, the councils can: 1) demand the organizations to rectify the situation; 2) suspend their licenses for three months; and 3) apply to a competent court to dissolve the organizations. NGOs can appeal the decision of a City Council to a Provincial Council, and the decision of a Provincial Council to the National Council. The “National Council for Development of and Support for Organisations,” under the Interior Ministry, comprises at least 14 members, including representatives from various ministries and government agencies.

## Draft Social Organizations Law imposes further curbs

After several unsuccessful attempts to adopt a legislation regarding NGOs since the early 1990s, in September 2023, a draft Social Organizations Law was published by the Parliament Research Center. Government-aligned media reported that Parliament may use Article 85 of the Constitution to bypass normal legislative procedures and have the law adopted by one of its committees or a select committee, and enact it for a specific term, which may be renewed.<sup>1</sup>

If adopted in its current form, the law could further stifle the ability of civil society organizations to operate. The draft law contains many restrictive provisions that mirror those included in the NGOs Rules of Procedures with regard to registration, oversight, and dissolution of civil society organizations. The law assigns the oversight of civil society organizations to evaluation councils at various local administrative levels. At the national level, a National Evaluation Council is composed of 13 members from various government agencies and institutions, including representatives of the police, Ministry of Intelligence, and the Intelligence Unit of the IRGC. In addition, the draft law contains vague and overly broad restrictive clauses that can be interpreted by the authorities arbitrarily. For example, the draft law prescribes that the granting of a license to an organization is contingent on the police, the Ministry of Intelligence, and the Intelligence Unit of the IRGC’s verification of the “general competence” of the organization’s founders. In addition, Article 54 states that organizations have an obligation to avoid activities against “national unity and identity,” “Islamic tenets,” and “the foundations of the country.” Article 81, in conjunction with Article 19 of the Islamic Penal Code (IPC), makes NGO managers punishable with prison terms ranging from 91 days to five years if they are found guilty of “cooperation with international agencies before obtaining a permission” and “other breaches of the [their] duties” determined by the draft law.

## Human rights defenders criminalized

Iranian authorities have routinely criminalized human rights defenders and civil society activists, who exercised their rights to freedoms of opinion and expression and peaceful assembly, by resorting to draconian provisions of the IPC, such as those relating to “national security,” “spreading propaganda against the system,” “cooperating with hostile foreign states,” “insulting the founder of the IRI and the Supreme Leader,” and “encouraging corruption or prostitution.”<sup>2</sup> They have been frequently arrested and held in pre-trial detention for months. The politically-motivated charges brought against them under the above-referenced IPC provisions have been very rarely dropped and defenders have been sentenced to lengthy prison terms following unfair trials.<sup>3</sup>

Several human rights defenders who were detained before or during the nationwide street protests in 2017-2018 and 2019, remain behind bars. They include: the 2023 Nobel Peace Laureate Narges Mohammadi;<sup>4</sup> Golrokh Ebrahimi Iraee; Sepideh Qoliyani; Mohammad Habibi; and Arash Sadeqi. During the latest wave of popular protests in 2022-2023, the already dire situation of human rights defenders and civil society activists further deteriorated. Many of them have been detained and prosecuted. LDDHI has recorded the arrest of several hundred human rights defenders, including at least 130 labor rights defenders, 60 women's rights defenders, 12 children's rights defenders, and others in connection with those protests.

## Lawyers targeted

Independent lawyers who take up cases of human rights defenders and civil society activists are routinely targeted, detained, charged, tried, and sentenced to lengthy prison terms. As a consequence of various developments since 1979, and because of the Iranian Bar Association's lack of independence from the judiciary, lawyers are not able to independently and freely defend the rights of clients involved in politically sensitive cases, including human rights defenders, without facing harassment and retaliation from the security agencies.<sup>5</sup> Many of them have been frequently arrested, prosecuted, and sentenced to lengthy prison terms for their work, including Mohammad Najafi, Amirshah Davoodi, Nasrin Sotoudeh (all currently serving prison terms), Abdolfattah Soltani, Mohammad Ali Dadkhah, and Mohammad Seifzadeh.<sup>6</sup>

Harassment and prosecutions of lawyers have worsened since the demonstrations sparked by the death of Mahsa (Zhinia) Amini in September 2022. In many cases, they faced legal action for standing up to judges and publicizing the cases of their clients arrested in connection with the protests, or representing the families of the protesters killed. Scores of lawyers were summoned, including 55 in the Kurdish-populated city of Bukan, in Western Azerbaijan Province, and 78 in Tehran. At least 50 were detained. Many were released on bail, but a few remain in detention. At least 10 have so far received prison sentences ranging from one year to 10 years, including: Arash Kaykhosravi and Mohammad Najafi (both of whom are currently in prison); Mohammad Arman; Mohammad Saleh Nikbakht (the lawyer of Ms. Amini's family); Forough Sheikholeslami Vatani; Marzieh Mohebbi; Khosro Alikordi; Mohammad Seifzadeh; Jalal Fatemi; and Sina (Hossein) Yussefi. At least three female lawyers (Narges Khorramifard, Mohabbat Mozaffari, and Maryam Arvin) died under highly dubious circumstances, after being released from detention. The real number of lawyers killed is likely higher.<sup>7</sup>

## Journalists detained

Dozens of journalists were arrested nationwide during the latest round of popular protests that began in September 2022, because of their reporting on human rights abuses or instances of corruption.<sup>8</sup> Some have fled the country. LDDHI has recorded the names of at least 110 journalists, who have faced arrest, detention, or imprisonment since September 2022. Many were released on bail but are likely to face trials and convictions. A number of others were tried and sentenced to prison terms. According to the International Federation of Journalists (IFJ), as of mid-February 2024, there were at least eight journalists still in detention, six of whom (two men and four women) had been sentenced to prison terms ranging from one to seven years.<sup>9</sup> They include Nasim Soltanbeigi and Soltanali Abedi.

Female journalists Elaheh Mohammadi and Niloofar Hamedi were the first reporters to cover the news of the death of Mahsa (Zhinia) Amini. They also reported on the security forces' ill-treatment of protesters and the psychological impact of the morality police's actions on the people in September 2022. Both were arrested on 21 September 2022. They were sentenced to 12 and 13 years in prison, respectively, on bogus charges of cooperation with the US government, assembly and collusion to commit crimes against Iran's security, and propaganda activity against the Islamic Republic of Iran. On 14 January 2024, they were released on bail pending the outcome of their appeal. Their appearance without the mandatory hijab outside Tehran's Evin Prison led to the opening of a new case against them a day after their release.

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